

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 6, 2003
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

Liz Owens, Baha'i, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of April 15, 2003, and the executive session April 27, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

CERTIFICATES MiniMPA Certificates were presented.

PROCLAMATIONS Proclamations previously approved were presented.

PUBLIC AGENDA

Mary Dean Mary Dean – Boeing Company Industrial Revenue Bonds (1985 to 2001).

Mary Dean asked that the City Council hold public hearings on issuance of Boeing Company Industrial Revenue Bonds from 1985 to 2001.

Mayor Mayans invited Ms. Dean to call his office and schedule an appointment.

King David Davis – New Beginnings.

King David Davis King David Davis spoke regarding new beginnings.

UNFINISHED BUSINESS

SOLID WASTE **SOLID WASTE CODE REVISION.**
(Continued from April 15, 2003)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 03-0418A

On April 15, the City Council approved first reading of the ordinance implementing revisions to the Solid Waste Code – Chapter 7.08; the Ordinance to be amended before final reading to require decals

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(to be placed on refuse containers, information to be specified, including but not limited to, the rules of pickup, and location of placement); and the Ordinance be amended to include other information such as other languages, fines and penalties, and requirements of trash companies.

The existing code has not been significantly changed since 1975. The recommended revisions reflect changes in local solid waste planning, including conversion of the City's Brooks Landfill to a construction and demolition waste facility, and implementation of the transfer station system. The revised code adjusts solid waste hauler license fees, which have remained static for in excess of twenty years, to better support inspection and enforcement activities. Enforcement provisions have also been updated, to better address current due process requirements and define departmental responsibilities.

The sale of solid waste collection vehicle licenses provides partial support for Environmental Health's code enforcement activities, including regulation of trash storage, pickup and disposal. Staff estimates that solid waste enforcement, which includes regulation of haulers and investigation of residential and commercial solid waste complaints, requires the efforts of between 1.5 and 2.0 full time equivalent employees. License fees collected in 2002 amounted to approximately \$27,000. The proposed fee adjustments will provide an additional \$ 19,000 annually. This increase was included in the City's 2003 budget assumptions, and contained within the Environmental Health fee revision proposal received by the Council in December of 2002.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard.

Greg Ferris Greg Ferris, asked that this Item be deferred a week, as he believed trash haulers were not made aware of what the Ordinance is presenting. Mr. Ferris wants to discuss the Ordinance with Council and Environmental Health.

Motion -- carried Fearey moved the Item be deferred one week. Motion carried 7 to 0.

AVIATION MUSEUM KANSAS AVIATION MUSEUM FUNDING ASSISTANCE. (Continued from March 25, 2003)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 03-0267B

On March 25, 2003 City Council approved a two-year deferred loan in the amount of \$120,000 for the Kansas Aviation Museum, funded from the CDBG Historic Preservation (commercial/residential) Loan program. Proceeds from the loan were approved to meet the local matching requirements for the State of Kansas grants awarded to the Kansas Aviation Museum to fund a portion of the building renovation. The Kansas Air Museum facility is owned by the City of Wichita and is a registered historic property.

Subsequent to the City Council action, representatives of the Departments of Finance and Public Works met with Kansas Department of Transportation (KDOT) officials regarding the final program for the renovation grants for the Kansas Aviation Museum. KDOT officials advised Staff that they made an error in the calculations relative to the local match requirement. Originally, it was believed that the maximum amount of the Transportation Enhancement grant was \$480,000 and that a 20% match of \$120,000 was required. KDOT officials have indicated the Transportation Enhancement grant has a maximum funding level of \$600,000. In order to receive the maximum total of \$600,000, a 20% match of the total project is required. The 20% local match is now recalculated to be \$150,000.

In order to receive the maximum \$600,000 funding available from the Transportation Enhancement grant, an additional \$30,000 is needed to meet the \$150,000 local match requirement. If the City Council approves the additional \$30,000 in CDBG funding available under the Historic Preservation Program, the funding for the Kansas Aviation Museum will be as follows:

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TE Grant Funds	\$600,000
330 Grant Funds	\$150,000
Matching City Funds	<u>\$150,000</u>
Total	\$900,000

If the City Council elects not to approve the additional CDBG loan funds, the total amount available to the Kansas Air Museum would be as follows:

TE Grant Funds	\$480,000
330 Grant Funds	\$150,000
Matching City Funds	<u>\$120,000</u>
Total	\$750,000

The City Council must approve budget transfers that are more than \$10,000.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Lambke moved that the budget transfer increasing the amount of the loan be approved and the necessary signatures be authorized. Motion carried 7 to 0.

NEW BUSINESS

FEIST CORP.

AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS – FEIST CORPORATE CENTER PROJECT. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0439

On September 18, 2001, City Council approved the issuance of Industrial Revenue Bonds, Series IX, 2001, in the amount of \$4.7 million to Feist Corporate Center. The City Council also approved a 100% five-plus-five year tax abatement, on bond-financed property. Bond proceeds were used to finance the cost of acquiring, constructing and equipping a two-story corporate headquarter office building located at 3020 N. Cypress in northeast Wichita, near Webb Road and 29th Street North. Feist is requesting amendments to the Ordinance and other bond documents to restructure debt service payments in accordance with the lower rates agreed to between the IRB Tenant and Bondholders.

The Series 2001 bonds were purchased by Intrust Bank. Since the date on which the IRBs were initially issued, market interest rates have declined significantly. Feist and Intrust have negotiated a restructuring of the bonds that results in lower interest rates. To accomplish this, certain terms of the bond documents must be amended by means of an Ordinance. The changes relate solely to the interest rate on the bonds.

There is no financial impact to the City as a result of the amendment.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Schlapp moved that the amendments needed to restructure the debt service payments for the Series IX, 2001 Bonds, in accordance with lower interest rates, be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

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ORDINANCE

An Ordinance prescribing the form and authorizing execution of a first supplemental and amending trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series IX, 2001 (Feist Corporate Center Project), introduced and under the rules laid over.

PIONEER BALLOON AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS – PIONEER BALLOON, (District I)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 03-0440

On August 16, 1994, City Council approved the issuance of Industrial Revenue Bonds, Series IX-A, 1994, in the amount of \$4,500,000 to help finance a world headquarters facility for the benefit of Pioneer Balloon, at 5000 E. 29th Street North, in Wichita. Currently, Pioneer Balloon and the Bondholder of the Series IX-A, 1994 Bonds are requesting amendments to the original Indenture and Bond form to extend and restructure debt service payments in accordance with the longer term and lower rates agreed to between Pioneer Balloon and the Bondholder.

The Series IX-A, 1994 Bonds were purchased by Commerce Bank, N.A.. Since the date on which the IRBs were initially issued, market interest rates have declined significantly. Pioneer Balloon and Commerce Bank have negotiated a restructuring of the bonds that results in lower interest rates and an extension of the final maturity. To accomplish this, certain terms of the Indenture and Bond form must be amended by means of an Ordinance. The changes relate solely to the interest rate, amortization and maturity for the bonds.

There is no financial impact to the City as a result of the amendment.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- Brewer moved that the Ordinance approving the amendments to the Indenture and Bond Form be
-- carried placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the amendment of the indenture dated as of August 1, 1994, relating to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series IX-A, 1994 (Pioneer Balloon) and authorizing the amendment of such bonds, introduced and under the rules laid over.

HOTEL/OLD TOWN DEFEASANCE OF INDUSTRIAL REVENUE BONDS – THE HOTEL AT OLD TOWN, LLC, (District VI)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 03-0441

On May 8, 1998, the City Council approved the issuance of Taxable Industrial Revenue Bonds in an amount of \$6.2 million to The Hotel at Old Town, Inc. Bond proceeds were used to acquire, renovate and equip the Keen Kutter Building in Old Town, into a 107-room, extended stay hotel. Hotel at Old Town can now reduce their debt service requirements by refinancing. To take advantage of the refinancing, the Industrial Revenue Bonds need to be defeased and redeemed. To accomplish this, Hotel at Old Town LLC, is requesting City Council approval of amendments to the Bond Ordinance and other bond documents.

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Under the Development Agreement between the City of Wichita and the Hotel at Old Town LLC, the City agreed to purchase the land upon which the Keen Kutter Building is located, and the Company agreed to purchase the Keen Kutter building. The Company leased the building to the City under a Building Lease, thereby giving the City its required interest in both the land and improvements. The City then leased its fee simple interest in the land and its leasehold interest in the improvements to the Company pursuant to an Amended and Restated Lease (the "Prime Lease"), giving the Company a leasehold interest in the entire property (including the land and improvements), permitting the renovation project to proceed. To secure industrial revenue bond financing, the re-noted property was subleased to the City and sub-subleased back to the Company.

The Company proposes to replace the industrial bonds with a conventional loan. To accomplish this, the Company will place a portion of the conventional loan proceeds in an escrow account with the trustee bank, in an amount sufficient to meet principal and interest payments until the bonds become callable, and to pay the call price on the bonds. The bonds will be deemed to be paid, and the sublease and sub-sublease will be terminated.

The development agreement and the "prime lease" and building lease that secures the City's investment in the project will remain in place until the City's investment has been repaid in full through property and transient guest taxes. The Company has requested that certain provisions of the prime lease also be amended, specifically relating to audited financial statements and funding of the FF&E reserve. These provisions were required by the industrial revenue bonds and are no longer required by the conventional lender.

There is no financial impact on the City resulting from the proposed changes to the documents. The City will cease to receive an annual administrative fee of \$2,500 that is required under the industrial revenue bond structure.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the Ordinance authorizing the redemption of the bonds; the termination of the Sublease and Sub-sublease and amendments to the Building Lease and Prime Lease, be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing redemption and payment of Taxable Industrial Revenue Bonds, Series VI-A and VI-B (The Hotel at Old Town Project); consenting to commercial loan and security interest; authorizing execution of first supplemental building lease, first supplemental prime lease, termination and release of the sublease and sub-sublease; and authorizing the execution of all such other documents necessary to effect the redemption and payment of the Bonds, introduced and under the rules laid over.

HALL OF FAME

ISSUANCE OF PBC IMPROVEMENTS REVENUE BONDS – KANSAS SPORTS HALL OF FAME. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0442

On August 6, 2002, the City Council approved the proposal to move the Kansas Sports Hall of Fame to Wichita. Under the approved package, the City agreed to acquire and renovate a vacant warehouse (in Old Town) using revenue bonds issued by the Wichita Public Building Commission, and to lease the renovated facility to the Kansas Sports Hall of Fame. In addition to providing the facility in Old Town, the City agreed to provide financial assistance in the amount of \$10,000 to cover moving costs and up to \$215,000 to offset operating losses during the first two years of operation. The City also agreed to delay rent payments from the Kansas Sports Hall of Fame on the new facility until after the first two years of operation.

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The building in Old Town, at 238 N. Mead, has been acquired. The renovation work has been designed and bid, and construction is scheduled to be completed by August 1, 2003. Before the Public Building Bonds can be issued to permanently finance the project, The City Council must hold a public hearing and approve the issuance of the bonds.

Under the terms of State law and City ordinances, the Wichita Public Building Commission ("PBC") is empowered to issue revenue bonds and finance public buildings and equipment, which may be leased to governmental entities and used for public purposes. In this case, the PBC will issue bonds in the principle amount of \$1.7 million to acquire and rehabilitate the existing Old Town property and lease it to the City of Wichita, who will sublease it to the Sports Hall of Fame. Following the initial two-year grace period on rent, the PBC bonds will be fully amortized by the lease payments paid by the Sports Hall of Fame. During the first two years, debt service on the PBC bonds will be paid by the City.

The Wichita Public Building Commission is a public board appointed by the members of the Wichita City Council, with representatives from the State of Kansas, Wichita State University, Sedgwick County and USD 259. Over the last 35 years, the PBC has issued bonds and leased facilities to all of the above-mentioned governmental entities. Because of the governmental purposes served by the facilities, the bonds issued by the PBC are issued as tax-exempt bonds under the authority of the Federal Tax Code. Along with that privilege comes an obligation that prior to the issuance of the bonds and following the giving of proper notice, a public hearing must be held by the governing body in which the bonds are to be issued. Following the hearing and approval by the City Council, the PBC must also hold a separate public hearing on the issuance of the bonds.

To provide the security required to successfully market the bonds, the City will enter into a lease agreement with the PBC, in which the City is ultimately responsible for the payments on the revenue bonds. The City will look to the Sports Hall of Fame to actually make the payments to the PBC that will fully amortize the bonds - following the initial two-year grace period, under the terms of a sub-lease agreement.

The PBC issued requests for proposals and selected the firm of George K. Baum & Co. to serve as the underwriter of the bonds and Central Bank & Trust Co. to serve as the bond trustee. The underwriter will purchase the bonds from the PBC and remarket them to private investors. The trustee bank will take an assignment of the financing lease as collateral for the bonds, will hold and disburse the proceeds from the sale of the bonds, will receive lease payments on behalf of the PBC and distribute principal and interest payments to bondholders, and will generally serve as fiduciary for the bondholders. The City's bond counsel firm, Hinkle Elkouri Law firm, is responsible for drafting all documents and rendering an opinion on the legality of the bond issue.

The costs of acquisition and rehabilitation of the Old Town property will be financed by PBC bonds and amortized over a 20-year term by sublease payments received from the Kansas Sports Hall of Fame, starting in year three. Payment of the PBC bond payments for the first two years (estimated to be \$260,000) will be paid from the Debt Service Fund; and \$225,000 for startup and operating support will be paid from the City's Economic Development Fund.

Under the proposed documents, the City has the ultimate obligation to pay all sums due on the Bonds, and the City's lease obligation is essentially a general obligation indebtedness.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the public hearing; be closed; the Resolution authorizing the form of the content of a Lease and Sublease, Preliminary Official Statement, Official Statement, Continuing Disclosure Agreement, Tax Compliance Agreement; and the execution and delivery of other necessary documents, all in conjunction with the issuance by the Wichita Public Building Commission of its Improvement Revenue Bonds in the amount not-to-exceed \$1.7 million, be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing and approving the form and content of a lease and sublease, authorizing and approving the use of the preliminary official statement and the official statement, authorizing and approving a continuing disclosure agreement and tax compliance agreement, all in conjunction with the issuance by the Wichita Public Building Commission of its improvement revenue bonds, Series M, 2003 (Kansas Sports Hall of Fame Project) introduced and under the rules laid over.

BOMBARDIER

PROPOSAL FOR BUSINESS ASSISTANCE - BOMBARDIER AEROSPACE. (District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0443

Bombardier Aerospace Learjet Inc. has requested financial assistance from the City of Wichita in order to maintain its presence in Wichita. In addition, the Company has met with and received the approval from the unions to modify its labor agreement to accommodate its financial needs. Bombardier currently employs 2,200 workers at its Wichita location. After consulting with City, County, State and Congressional officials, the City, in cooperation with the County, has made a tentative offer of incentives intended to persuade Bombardier to continue operations and jobs at its plant in Wichita. Bombardier has accepted the offer, which was made subject to City Council (and County Commission) approval, and cited the offer as being of valuable assistance in its efforts to retain the Company's work programs and enhance the attractiveness and viability of Wichita as a site for potential future growth.

Bombardier has tentatively accepted the following job retention proposals, subject to City Council approval:

Reduction of Airport Rent: A substantial part of the Bombardier Learjet plant is located on property leased from the Wichita Airport Authority. The City has offered to reduce the rent for the airport land leased by Bombardier Learjet from approximately \$.06 per square foot to \$.033 per square foot per a period of five years. Formal action by the Wichita Airport Authority will be required for the rent reduction. This reduction will reduce airport revenue by approximately \$36,000 per year.

Compass Rose Improvements: Bombardier Learjet utilizes a public aviation aid (referred to a "compass rose") located adjacent to the taxiway serving the Learjet plant. A compass rose is a static device that allows aircraft to adjust their on-board compasses to align with true north. Bombardier has requested improvements be made to the compass rose - estimated to cost at \$500,000. City staff has submitted a grant application to Congressman Tiahrt's office which, if awarded, would pay the cost of replacing the compass rose and improving the associated taxiway. Formal action will be required to approve the capital improvement project.

Road and Drive Improvements: Access to the Bombardier Learjet plant is primarily from Tyler Road at Learjet Way (formerly Harry Street), and from a driveway entrance to employee parking located on Tyler Road - north of Learjet Way. The City and County have offered to repave and construct drainage improvements to these two roadways. Bombardier has estimated the cost to be \$550,000. Sedgwick County has offered to pay one-half the cost of these improvements, subject to approval of the Board of County Commissioners.

"Rails-to-Trails": The Central Kansas Railway track runs east and west parallel to Kellogg along a routing that bisects properties owned by Bombardier Learjet. This trackage has been abandoned by the railroad and has been accepted by the City into the "rails-to-trails" program, which will allow hikers, skaters and cyclists to use this trail for recreational purposes once the tracks are removed. Bombardier uses a vehicular crossing to move aircraft assemblages from one building to another across the tracks. The City has offered, as part of Bombardier's security concerns and job retention package, to divert the "rails-to-trails" corridor around Bombardier property.

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It is intended that federal grant funds will pay for the compass rose/taxiway improvements. If federal funding is not obtained, funding will be required from the Airport capital improvement program, subject to approval by the Wichita Airport Authority, and financed with general obligation bonds. The City's share of the road/drive improvements will be financed with general obligation bonds, or notes and paid from the debt service fund. Funding for the costs associated with diverting the "rails-to-trails" will be identified and submitted for Council approval at the time the "rails-to-trails" improvements are approved.

The items included in the job retention package will require subsequent specific approvals by the City Council or Airport Authority for actual implementation. The action to approve the incentive package - as a whole - serves as a conceptual approval intended to guide the Council and Authority in taking the necessary follow-up actions.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the job retention proposal accepted by Bombardier, including Airport ground rent reduction, compass rose/taxiway improvements, road and drive improvements, and diversion of the "rails-to-trails" routing around Bombardier property, be approved. Motion carried 7 to 0.
-- carried

HILLSIDE IMP. HILLSIDE IMPROVEMENT BETWEEN 17TH AND 21ST. (District I)

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 03-0444

On May 21, 2002, the City Council approved a project to improve Hillside, between 17th and 21st Street. The project will improve access and safety at the Wichita State University campus Hillside entrances. The original finance plan was to fund the project with a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation. However, to insure that the project completion date can be coordinated with the opening of the Koch basketball arena, it will be necessary for the City to fully fund the project. The Federal Grants set aside for the Hillside project can be redirected to other qualifying street projects.

An amending Ordinance has been prepared to increase the authorized budget.

The current budget totals \$2,630,000, with \$1,230,000 paid by the City and \$1,400,000 by Federal Grants administered by the Kansas Department of Transportation. The revised budget is \$1,980,000 with the total paid by the City. The funding source is General Obligation Bonds. Funding is available from deferral of a project to replace the 11th Street Bridge over the drainage canal. The project is scheduled to bid May 2003. Construction will start June 2003.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- Brewer moved that the transfer of funds and project be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.
-- carried

ORDINANCE

An Ordinance amending Ordinance No. 45-326 of the City of Wichita, Kansas declaring Hillside, from 17th Street North to 21st Street North (472-83537) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

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BRIDGE

13TH STREET BRIDGE OVER COWSKIN CREEK. (District V)

Neil Cable

City Engineer Public Works reviewed the Item.

Agenda Report No. 03-0445

The 2002-2011 Capital Improvement Program (CIP) includes a project to replace the 13th Street Bridge over Cowskin Creek. On April 7, 2003, District V Advisory Board sponsored a neighborhood hearing on the project. The Board voted unanimously to recommend approval of design Option A.

Analysis: The existing bridge is an old County two-lane bridge that is functionally obsolete. Floodwaters from Cowskin Creek overtop the structure on a frequent basis. The design concepts under consideration are:

Option A. A 265 ft. Long, 5-span structure with an elevation 1.3 ft. higher than the existing bridge. Its design overtopping frequency is 15 years. The estimated construction cost is \$1,500,000. There would be minimal impact on adjacent property. The bridge length is equivalent to the 119th Street Bridge approximately a half-mile down stream.

Option B. A 430 ft. long, 7-span structure with an elevation 2.1 ft. higher than the existing bridge. Its design overtopping frequency is 25 years. The estimated construction cost is \$2,200,000. There would be some impact on adjacent property.

Option C. A 620 ft. long, 9-span structure with an elevation 3.7 ft. higher than the existing bridge. Its overtopping frequency is 100 years. The estimated construction cost is \$2,900,000. There would be significant impact on adjacent properties.

All options provide for a four-lane bridge with sidewalk on both sides. The 13th Street approaches to the bridge would be built to a four-lane arterial standard from west of Azure Street on the west side of the bridge to Cedar Park Street east of the bridge. The project is planned for letting next February.

The budget contained in the CIP is \$1,855,000 with \$655,000 paid by the City and \$1,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that the City Council select Design Option A. Motion carried 7 to 0.

CITY COUNCIL AGENDA

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR CERTAIN CITY COUNCIL MEMBERS TO ATTEND 2003 GOVERNING BODY INSTITUTE IN TOPEKA MAY 16-17, 2003.

Motion --carried

Martz moved that the travel expenditures be approved. Motion carried 7 to 0.

(Addendum 12A)

TRAVEL APPROVAL APPROVAL OF MAYOR'S TRAVEL TO ORLANDO, FLORIDA.

Motion – carried

Martz moved that the travel expenditures be approved. Motion carried 7 to 0.

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(Addendum 12B)
TROOPS/DEFENSE

RESOLUTION SUPPORTING OUR TROOPS AND PROTECTING WICHITA'S DEFENSE AND AEROSPACE INDUSTRY.

Motion -- carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-227

A Resolution supporting our troops and protecting Wichita's Defense and Aerospace Industry, and for other purposes, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

APPOINTMENTS

BOARD APPOINTMENTS.

Motion -- carried

Lambke moved that Charlotte Foster be appointed to DAB III. Motion carried 7 to 0.

CONSENT AGENDA

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 5, 2003.

Bids were opened April 18, April 25 and May 2, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Storm Water Sewer #577 to serve Liberty Park Addition - south of 13th Street North, east of 135th Street West. (468-83544/751326/485217) Does not affect existing traffic. (District V)

Nowak Construction - \$87,344.00

Lateral 4 Main 13 Sanitary Sewer #23 to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (468-83574/743976/480664) Does not affect existing traffic. (District I)

Utility Contractors - \$187,969.00

Storm Water Sewer #581 to serve Copper Gate Estates - south of 13th Street North, west of 135th Street West. (468-83559/751327/485218) Does not affect existing traffic. (District V)

Nowak Construction - \$84,164.97

Storm Water Sewer #585 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83569/751332/485223) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$189,532.00 (Total bid)

2003 Contract maintenance asphalt street repair and asphalt overlay - north of 71st Street South, east of Meridian. (472-83737/132714/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, IV and VI)

Ritchie Paving - \$234,360.00 (Engineer's estimate)

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2003 Contract maintenance area concrete street repairs Phase 3 - north of Pawnee, east of West Street. (472-83731/132714/620369/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Barkley Construction - \$199,500.00 (Engineer's estimate)

Peckham from the north line of Camden Chase to the north line of Lot 5, Block 1, Peckham Court, serving Lots 11-23, Block 1, from the west line of Peckham to and including the cul-de-sac; sidewalk on one side of Peckham from the north line of Camden Chase to the north line of Lot 5, Block 1 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (472-83637/765776/490887) Does not affect existing traffic. (District II)

Kansas Paving Company - \$269,085.50

21st Street bike path from Maize Road to Ridge Road - 21st Street N. from Maize to Ridge. (87N-0288-01/472-83532/706843/202309) Does not affect existing traffic. (District V)

Barkley Construction - \$312,118.96 (Subject to KDOT approval)

2003 Contract maintenance area concrete street repairs Phase 4 - north of 31st Street South, east of Hydraulic. (472-83735/132714/) Traffic to be maintained during construction using flag persons and barricades. (Districts I,II,III)

Barkley Construction - \$272,000.00 (Engineer's estimate)

Install signalized school crosswalk at Maize and Harvest - intersection of Maize and Harvest. (472-83367/710215/231077) Traffic to be maintained during construction using flag persons and barricades. (District V)

B & W Electrical - \$31,200.00

Tara Falls, from the north property line of Lot 33, Block C, to the south property line of Tara Falls Addition; Funston from the west property line of Tara Falls Addition to the west line of Tara Falls; both Tara Falls Courts in Block D; and Andrea from the east line of Tara Falls to the east property line of Lot 55, Block A to serve Tara Falls Addition - south of Harry, east of Greenwich. (472-83648/765770/490881) Does not affect existing traffic. (District II)

APAC-Kansas Inc. - \$237,823.63

Minnesota Court, from the west line of Minnesota Avenue to and including the cul-de-sac; Minnesota Circle, from the north line of 26th Street North to and including the cul-de-sac; 26th Street North from the east line of Minnesota Avenue to the east line of Lot 23, Block 1, Power CDC Second Addition; sidewalk on one side of 26th from Minnesota Circle to the east line of Lot 23, Block 1 to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (472-83675/765771/490882) Does not affect existing traffic. (District I)

Kansas Paving Company - \$91,817.40

Water distribution system, Phase 1 to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (448-89771/735108/470778) Does not affect existing traffic. (District V)

Duling Construction - \$53,237.00

Water distribution system, Phase 2 to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (448-89772/735122/470792) Does not affect existing traffic. (District V)

McCullough Excavation - \$34,550.00

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Water distribution system to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (448-89791/735123/470793) Does not affect existing traffic. (District V)

Duling Construction - \$34,270.50

Widening Central from Maize Road to Tyler Road to provide four through lanes and a center two-way left turn lane (87 N-012-01/472-83659/706848/200267) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cornejo & Sons Inc. - \$1,260,124.40

2003 Sanitary Sewer Rehabilitation, Phase B (Various Locations) - north of Harry, east of Meridian. (468-83616/620375/663496) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, VI)

Insituform Technologies - \$167,286.75

2003 Sanitary Sewer Reconstruction, Phase 4 - east of Meridian, south of 13th Street North. (468-83608/620372/663493) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV)

WB Carter Construction - \$231,000.00

Water line relocations at the intersection of 63rd Street South and Hydraulic - 63rd Street South and Hydraulic. (448-89753/636120/772517) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$40,131.00

Williamsgate from the north line of 21st Street North to the west line of Lot 56, Block 6; sidewalk on both sides of Williamsgate to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (472-83644/765774/490885) Does not affect existing traffic. (District II)

Kansas Paving Company - \$194,100.70 (Base bid)
\$ 9,712.00 (Alternate 1)
\$ 16,800.00 (Alternate 2)

Meadows Park from the west line of the plat east to the west line of Pepper Ridge; Pepper Ridge from the south line of Meadow Park north to the north line of the plat; Pepper Ridge from the south line of Meadow Park south to the south line of the plat; Meadow Park Court from the south line of Meadow Park to and including cul-de-sac; Pepper Ridge Court to serve Lots 12-18, Block C; Pepper Ridge Court to serve Lots 19-26, Block C; Pepper Ridge Court to serve Lots 9-13, Block D; sidewalk along one side of Meadow Park and Pepper Ridge to serve Fossill Rim Estates Addition - east of Tyler, south of 29th Street North. (472-83542/765749/490860) Does not affect existing traffic. (District V)

Ritchie Paving - \$258,900.00

Water distribution system to serve Burnham Industrial Addition - south of Harry, west of West Street. (448-89806/735125/470795) Traffic to be maintained during construction. (District IV)

McCullough Excavation - \$7,300.00

Decel Lane on 21st Street North on the east 250 feet of Lot 1, Block 1 to serve Remington Place Second Addition - south of 21st Street North, east of Webb. (472-83679/765786/490897) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$19,743.00

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Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Main & Gutter Brooms for Street Sweepers. (130849)

Key Equipment & Supply –\$226.0000 (Item 1/each)
\$ 15.2500 (Item 2/segment)

PARK DEPARTMENT/RECREATION DIVISION: Install Only Scoreboards Provided. (785037)

Trimark Signworks, Inc. - \$7,348.00 (Refer to Purchasing for award)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Window Installation (633745)

Caro Construction Co. Inc. - \$54,960.00 (Group 1/Total net bid)

TRANSIT DEPARTMENT: Uniforms – Rental of Shop Uniforms. (629473)

Aramark Uniform Services Inc. - \$0.3500 (Item 1/per set)

WATER & SEWER DEPARTMENT/PRODUCTIN & PUMPING DIVISION: Repair Kits for 60” and 66” Water lines. (181222)

Price Brothers Co. - \$43,125.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Terminal Concourse Restroom Remodel. (501120)

Neely Construction Company - \$167,989.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Replace Carpet Airport Administration Building. (501140)

Total Installation Management Specialist - \$49,567.41 (Adjusted quantity/Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Demolition – Old Children’s Museum. (792382)

Minority Contractors & Consultants Inc. - \$28,200.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Underground Fuel Tank Removal. (792310)

Cornejo & Sons Inc. - \$25,706.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Re-Sodding at Scattered Sites. (097824)

Green Glo Turf Maintenance Inc. - \$8,869.00 (Total net bid)

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

Renewal Adult Entertainment

Lewis F. Self Jr.	Adult Entertainment Industries Inc.*	3721 South Broadway
Lewis F. Self Jr.	Adult Entertainment Industries Inc.*	2809 North Broadway
Lewis F. Self Jr.	Adult Entertainment Industries Inc.*	7805 West Kellogg
	*dba After Dark Video	
Gail R. Crump	GS Entertainment	5858 South Broadway

Motion --
-- carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Kevin F. Raven	Taco Tico*	1230 South Rock Road
Kevin F. Raven	Taco Tico*	3257 East Harry
Julie O. Popplewell	Duffy's Open	2415 West 31st Street
Miguel Reyes	Rostizeria Los Reyes*	512 West 21st Street
Paul A. Eck	Family Home Association Inc.*	3202 West 13th Street

<u>Renewal</u>	<u>2003</u>	<u>Consumption off Premises)</u>
William Krause	Kum & Go #327	707 North Waco
William Krause	Kum & Go #328	6330 East 21st Street
Stan Edde	Falley's Inc. dba Food 4 Less #60	1607 South Georgetown Street
Stan Edde	Falley's Inc. dba Food 4 Less #61	3137 South Seneca
Stan Edde	Falley's Inc. dba Food 4 Less #62	1910 West 21st Street North
Robert J. Bales	Klepper Korner Store/Citgo	3520 North Woodlawn

<u>New Operator</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
James Ream	Chug-A-Lug	5111 West 13th Street

<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Hau D. Ma	H and P dba Phillips 66	2199 North Woodlawn
Son B. Tran	Speedway	561 South Market

<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Victor M. Deleon Rodriguez	Poblano Mexican Grill, Inc.*	550 North Ridge Road

<u>Special Events</u>	<u>May 9-10, 2003</u>	<u>River Festival</u>
John E. Thien	Jet BBQ	First Street/Waco
	<u>May 10, 2003</u>	
Clay Baxter	Clay Baxter	Farm & Art Market Plaza
	835 East First Street	
Billy D. Shew	Big Dog Motorcycles	1520 East Douglas
	LLC/Open House	
	<u>May 9-10-11; May 12-13-14;</u>	
	<u>May 15-16-17, 2003</u>	
Pat Audley	Artichokes	Kennedy Plaza/Century II

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John E. Thien
May 17, 2003
Jet BBQ

Southeast Corner of
Douglas/McLean

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Waterline along Nevada, between 16th and 17th Streets North to serve Lots 14-23 of West Lynn Addition - north of 13th Street, west of West Street. (448-89754/735097/470767) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$42,400.00
- b) 66 Inch raw water line, Phase 3 - along 17th Street east from Sheridan to 13th Street and McLean. (448-89439/633720/750807) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$9,198,735.17
- c) 2003 Contract maintenance asphalt mill & overlay - north of 55th Street South, east of Ridge Road. (472-83732/132714/620369/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV,V,VI) - \$500,000.00
- d) 2003 Contract maintenance area concrete street repairs Phase 2 - north of Pawnee, east of McLean. (472-83730/132714/) Traffic to be maintained during construction using flagpersons and barricades. (District V, VI) - \$273,500.00
- e) 2003 Contract maintenance asphalt street repairs and quickset slurry seal Phase 2 - north of 55th Street South, east of Seneca. (472-83736/131532/132714/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II,V,VI) - \$581,430.00
- f) Water supply line to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (448-89781/735116/470786) Does not affect traffic. (District II) - \$51,000.00
- g) Water distribution system to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (448-89782/735117/470787) Does not affect traffic. (District II) - \$175,000.00
- h) (Amended) Lateral 42, Main 24 War Industries Sewer to serve Wilson Estates Medical Park - south of 21st Street North, west of Webb Road. (468-83563/743963/480651) Does not affect existing traffic. (District II) - \$85,280.00

Motion -- carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

STATEMENT/COST STATEMENT OF COST:

- a) (Second Partial) Estimate of Cost for improving Park Facilities 2002- \$303,000; less financing previously issued - \$215,000. Financing to be issued at this time - \$88,000. (785023/392-155).

Motion -- carried Mayans moved that the Statement of Cost be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Utility easement dated March 18, 2003 from the Board of Park Commissioners for a tract of land located in the Northwest Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Linwood School, OCA #607861). No cost to City.

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b) Utility easement dated April 14, 2003 from Wilson Residential Company, L.L.C., for a tract of land located in Lot 1, Block 2, Wilson Estates Medical Park Addition to Wichita, Sedgwick County, Kansas (OCA #751323). No cost to City.

Motion -- carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

REMINGTON PLACE DECEL LAND ON 21ST TO SERVE REMINGTON PLACE SECOND ADDITION – SOUTH OF 21ST, EAST OF WEBB. (District II)

Agenda Report No. 03-0446

On February 11, 2003, the City Council approved a petition for a decel lane to serve Remington Place 2nd Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a residential development located south of 21st, east of Webb.

The original Petition totaled \$20,000. The new Petition totals \$27,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-195

A Resolution amending Resolution No. 03-571, pertaining to the construction of a Decel Lane on 21st Street North on the east 250 feet of Lot 1, Block 1, in Remington Place Second Addition (south of 21st Street, East of Webb, 472-83679, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SANITARY SEWER SANITARY SEWER MAIN TO SERVE AN UNPLATTED TRACT NORTH OF 37TH STREET NORTH, WEST OF MAIZE ROAD. (District V)

Agenda Report No. 03-0447

The Petition has been signed by three owners, representing 100% of the improvement district.

The project will extend sanitary sewer main service for a new residential development.

The estimated project cost is \$1,000,000 with \$147,000 assessed to the improvement district and \$853,000 paid by the Sewer Utility. The Utility share is for the excess capacity needed for future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 03-196

Resolution of findings of advisability and Resolution authorizing construction of Main 8, Northwest Interceptor Sewer (north of 37th Street North, west of Maize Road) 468-83604 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

504 EAST DOUGLAS RENOVATE BUILDING FAÇADE AT 504 EAST DOUGLAS – EAST OF EMPORIA, **(District VI)**

Agenda Report No. 03-0448

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. The owner of a building located at 504 E. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district. The owner has also submitted the required facade easement.

A beauty salon is located in the building. The proposed improvements include the installation of trash bin enclosures, repair of a masonry wall, installation of new doors and windows, and the repair of a brick wall.

City assistance is in the form of a five-year forgivable loan up to \$15,000 per visible façade, or 25% of the project cost, whichever is lower. The remaining amount is funded by Special Assessments. The Petition totals \$62,500, with a \$15,625 forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. The Law Department has approved the facade easements as to legal form. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion --
-- carried

Mayans moved that the Petition be approved; the easement be accepted; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-197

Resolution of findings of advisability and Resolution authorizing construction of Façade Improvements at 504 East Douglas (north of Douglas, east of Emporia) 472-83763, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

GARVEY CENTER RENOVATE BUILDING FAÇADE AT THE GARVEY CENTER – NORTH OF DOUGLAS, **WEST OF WATER. (District VI)**

Agenda Report No. 03-0449

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. The program was limited to no more than two facades per building. On March 25, 2003, the City Council revised the program to permit more than two facades to be renovated for high-rise buildings meeting certain guidelines. The owner of the Garvey Center, located north of Douglas, west of Water Street, has submitted the required

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Petition. The signature on the Petition represents 100% of the improvement district. The owner has also submitted the required facade easement.

The Garvey Center proposal includes four buildings: O.W. Garvey building at 200 W. Douglas, Douglas Place at 250 W. Douglas (former Holiday Inn), R.H. Garvey building at 300 W. Douglas, and the Kiva building at 220 W. Douglas. The work consists of repainting the buildings and replacing the window wall of the former Holiday Inn.

The estimated project cost is \$772,000, with the total paid by special assessments.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. The Law Department has approved the facade easements as to legal form. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion --
-- carried

Mayans moved that the Petition, subject to review by the Design Council, be approved; the easement be accepted; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-198

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 200, 220, 250, 300 West Douglas (north of Douglas, west of Main Street, 472-83764, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

**HEIGHTS H.S.
FALCON FALLS**

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE WICHITA HEIGHTS HIGH SCHOOL AND FALCON FALLS ADDITION – SOUTH OF 53RD STREET NORTH, WEST OF HILLSIDE. (District I)

Agenda Report No. 03-0450

On December 10, 2002, the City Council approved sanitary sewer and water distribution system petitions for Heights High School and an adjacent unplatted tract. The property owners have submitted new petitions to increase the project budget for the water project and update the improvement district for the sanitary sewer project. The signatures on the Petitions represent 100% of the improvement districts.

Amending Resolutions have been prepared which authorize the budget increase and modify the improvement district.

The Petitions total \$365,000. The funding source is special assessments, except for the waterline Petition, which includes \$55,000 funded by the Water Utility for over sizing.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-199

A Resolution amending Resolution No. 02-563 pertaining to the construction of Water Distribution System Number 448-89739 (south of 53rd Street North, west of Hillside, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-200

A Resolution amending Resolution No. 02-564 pertaining to the construction of Lateral 3, Main 13, Sanitary Sewer No. 23 (south of 53rd Street North, west of Hillside) 468-83535, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BURNHAM IND.

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE LOT 5, BLOCK 3, BURNHAM INDUSTRIAL ADDITION – SOUTH OF HARRY, WEST OF WEST STREET. (District IV)

Agenda Report No. 03-0451

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to an industrial site located south of Harry, west of West Street.

The Petitions total \$40,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-201

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89806 (south of Harry, west of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-202

Resolution of findings of advisability and Resolution authorizing construction of Lateral 12, Main 14, Southwest Interceptor Sewer (south of Harry, west of West Street) 468-83614, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SHADOW WOODS

STREET PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE SHADOW WOODS ADDITION – WEST OF 135TH STREET WEST, NORTH OF MAPLE. (District V)

Agenda Report No. 03-0452

The Petitions have been signed by one owner, representing 100% of the improvement districts. These projects will provide paving and water service to a new residential development located west of 135th Street West, north of Maple.

The Petitions total \$727,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 03-203

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89791 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-204

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89817 (west of 135th Street West, north of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-205

Resolution of findings of advisability and Resolution authorizing improving Sheriac from Maple, north and west to the north line of Lot 20, Block c, and on Decker from the east line of Sheriac, east and north to the north line of Lot 23, Block D. Sheriac Circle (Lots 7 through 20, Block C) from the westerly line of Sheriac to and including cul-de-sac, and on Decker Court from the east line of Decker to and including cul-de-sac. sidewalk constructed on one side of Sheriac and Decker, (west of 135th Street West, north of Maple) 472-83721, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-206

Resolution of findings of advisability and Resolution authorizing improving City View from Maple to the southerly line of City View. Sheriac Circle (Lots 1 through 13, and 20 through 22, Block B), from the west line of City View to and including cul-de-sac, on Sheriac Court from the north line of Sheriac Circle to and including cul-de-sac. Sidewalk constructed on one side of City View, (west of 135th Street West, north of Maple) 472-83759, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

REED'S COVE

STREET PAVING, SANITARY SEWER, DRAINAGE, AND WATER DISTRIBUTION SYSTEMS TO SERVE REED'S COVE ADDITION – SOUTH OF 21ST, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0453

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, drainage, and water distribution systems to a new residential development located south of 21st, east of 127th Street East.

The Petitions total \$1,804,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 03-207

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89820 (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-208

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89821 (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-209

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89822 (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-210

Resolution of findings of advisability and Resolution authorizing improving of Lateral 4, Main 14, Four Mile Creek Sewer (south of 21st Street, east of 127th Street East) 468-83621) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-211

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 204 (south of 21st Street, east of 127th Street East) 468-83625, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-212

Resolution of findings of advisability and Resolution authorizing improving Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court; sidewalk on both sides of Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court, (south of 21st Street, east of 127th Street East) 472-83760, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-213

Resolution of findings of advisability and Resolution authorizing improving Peckham from the north line of Lot 13, Block 3 to Reeds' Cove; and Peckham Court serving Lots 59 through 69, Block 2, (south of 21st Street, east of 127th Street East) 472-83761, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-214

Resolution of findings of advisability and Resolution authorizing improving Peckham from the north line of Lot 13, Block 3 to the south line of Bridlewood, Peckham Circle serving Lots 36 through 42, Block 2; and Peckham Court serving Lots 43 through 58, Block 2 (south of 21st Street, east of 127th Street East) 472-83762, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees, December 19, 2002
District II Advisory Board, February 3, 2003
Police & Fire Retirement Board, February 26, 2003
Board of Code Standards & Appeals, March 3, 2003
Wichita Airport Advisory Board, March 3, 2003
District II Advisory Board, March 3, 2003
Deferred Compensation Board of Trustees, March 4, 2003
Wichita Employees' Retirement/Police & Fire Retirement Board, March 6, 2003
Park Commissioners Board, March 10, 2003
Board of Electrical Appeals, March 11, 2003

Motion --carried

Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 03-500

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure requests have been submitted:

Saturday, May 10 – 7:45 – 9:45 p.m. – Private Wedding/Fireworks Display
Oak Park Street from west side of 11th Street Bridge
River Boulevard from 11th Street Bridge to just south of Riverside Castle

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Mayans moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

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WEAPONS

WEAPONS DESTRUCTION:

Agenda Report No. 03-0454

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 96 handguns and 42 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

There are no financial considerations.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Mayans moved that the list of weapons be received and filed. Motion carried 7 to 0.

CESSNA

CESSNA AIRCRAFT COMPANY LEASE AMENDMENT.

Agenda Report No. 03-0455

On June 25, 1996, the City entered into a lease agreement with Cessna Aircraft Company to establish The Cessna 21st Street Learning and Work Campus located at 2220 E. 21st Street for operating a training and sub-assembly and learning/day care center in northeast Wichita. Cessna rehabilitated the property with a HUD Section 108 loan guarantee in the amount of \$3,645,000.

The existing lease agreement requires rent in the amount of \$25,000 per month increasing to \$28,750 and then to \$31,500. Cessna has requested the City to modify the rent for the first renewal term from \$28,750 to remain at \$25,000. If the request is approved, Cessna would continue to make payments in the amount of \$25,000 per month. Under the current economic conditions Cessna has experienced a reduction in revenues expected to pay the increased rent. Despite layoffs in other facilities, Cessna has transferred jobs from other facilities to the 21st Street Campus.

The modification of the term of the lease will extend the monthly payments in the amount of \$25,000 to December 31, 2004. Beginning January 1, 2005 the monthly payment will increase to \$31,500 for all subsequent years.

A modification in the lease terms is permissible under HUD rules. The City still retains ownership of the real estate.

Motion --
-- carried

Mayans moved that the amendment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HISTORIC PRES.

HISTORIC PRESERVATION FUND GRANTS.

Agenda Report No. 03-0456

The Preservation Planner submits grant proposals annually to the Kansas State Historical Society for allocation of federal Historic Preservation Fund grants. These proposals are for projects that the Historic Preservation Board has adopted as part of its annual work program.

The HPF grants total \$59,010. The City is required to provide \$2 for every \$3 of federal grant funds. City match is generated from staff time only. There is no actual cash match.

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The grant is to provide funding for three projects:

1. HPF Grant 20-03-18214-012 provides funding to hire a part-time qualified planning analyst for 20 hours a week for 52 weeks. The federal grant for the internship is \$20,710.
2. HPF Grant 20-03-18214-013 will provide funding to pay a consultant to conduct an economic benefit analysis of designated historic districts and include a covenant restriction comparison to design review guidelines. The federal grant for the study is \$12,000.
3. HPF Grant 20-03-18214-014 provides funding for the 2004 annual Kansas Statewide Preservation Conference in the amount of \$26,300.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

TREATMENT PLANT SEWAGE TREATMENT PLANT NO. 1 MODIFICATIONS – PHASE I.

Agenda Report No. 03-0457

The 2000 Sanitary Sewer Master Plan recommended improvements to Plant No. 1 to allow delaying decommissioning of the plant until 2050. On September 10, 2002, City Council approved the project as a design/build.

The design/build will be completed in two phases. The Phase I requires the engineer/contractor team to evaluate concepts, perform value engineering and cost estimating, and prepare preliminary design documents for plant improvements. Phase II will include final design and construction. Requests for Proposals for Phase I were sent to engineering and construction firms with five design/build teams responding. The Staff Screening and Selection Committee heard presentations on February 21, 2003, and the team of CAS/HDR was selected for Phase I of the modification project.

The Agreement for Phase I is for \$50,000. Plant 1 Improvements (CIP S-523) has a budget of \$5,200,000.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

SITING STUDY PLANT SITING STUDY.

Agenda Report No. 03-0458

The 2000 Sanitary Sewer Master Plan Update identified the need for construction of three new wastewater treatment plants. A project for identification and acquisition of the three plant sites is included in the Capital Improvement Program.

Requests for Proposals were sent to engineering firms with five (5) firms responding. The Staff Screening & Selection Committee met on April 1, 2003, and heard presentations. Professional Engineering Consultants (PEC) was selected to provide the services.

Plant Siting Study and Land Acquisition (CIP S-522) has a budget of \$1.2 million. The cost for the study by PEC is \$75,340.

The Agreement will be approved as to form by the Law Department.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY – SUPPLEMENTAL.

Agenda Report No. 03-0459

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co., to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project. On Nov. 5, 2002, City Council approved Supplemental Agreement No. 1 for archeological services to evaluate the impact of the discovery of a pre-historic artifact. On March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services to do computer modeling to evaluate the results of pilot work on alternate water treatment technologies.

Phase I of the Project includes the construction of three recharge basins. Geology of the Equus Beds is extremely variable, so the original Contract included drilling several test-holes at each basin site; however, these have not provided adequate information to complete proper design of the basins. Supplemental Agreement No. 3 is for drilling six full-depth holes at each site going to bedrock. Depth will vary from 150-to-230 feet. The additional testing will help to complete basin design for this project and determine the extent and nature of test-holes that will be required for proper design of basins in future phases.

The cost for drilling and analyzing the additional data will not exceed \$71,947. Funding for this project is included in CIP W-549 (Water Supply Plan Phase III) that has available funding of \$7.6 million in 2003.

The Law Department will approve the Supplemental Agreement as to form. City Council approval is required for Agreements of over \$10,000.

Motion --
-- carried

Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CHENEY

CHENEY RESERVOIR WATERSHED COST-SHARE MOU.

Agenda Report No. 03-0460

Cheney Reservoir is one of Wichita's major sources of water, currently providing approximately 60% of the City's annual supply. On August 24, 1993, City Council authorized Staff to submit a grant request to the U.S. Environmental Protection Agency for watershed improvements. As part of that, Council approved the City assuming part of the cost-share to allow landowners to implement Best Management Practices (BMP) in the watershed.

Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into the Reservoir from soil erosion displacing stored water, and can reduce the life of the Reservoir. Phosphate measurements in the north fork of the Ninnescah River and the Reservoir indicate levels higher than desired for a water supply. High levels of phosphate can lead to an increase in microscopic plant activity, thus increasing taste and odor in the water.

An approved plan for the watershed will reduce pollution entering the reservoir by encouraging Best Management Practices. This MOU will promote the use of such practices and establish procedures by which payments are processed to producers who install them. It will fund conservation projects using federal funds from the Environmental Quality Incentive Program (EQIP). Under EQIP, a producer will be eligible to receive 70% of the average cost to install best management practices, or up to \$450,000 per year. The City would match 30%, or up to \$10,000 per producer per year. Many projects funded through the EQIP are pollution control facilities for livestock operations, and this MOU will limit the City's participation to assisting existing livestock operations. The MOU would be in place for up to seven years, having begun in fiscal year 2002.

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Estimates are that up to fifteen (15) projects per year could be funded, with a maximum City participation of \$150,000. Additional sources of funding include the EPA, State Water Plan, and the USDA, all helping to diversify the cost for watershed improvements. City Council has authorized \$200,000 per year in CIP W-500 (Watershed Protection Plan) for pollution prevention projects in the Cheney watershed.

The Law Department will approve the Memorandum of Understanding as to form.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - SMITHMOOR 10TH ADDITION – NORTH OF PAWNEE. (District II)

Agenda Report No. 03-0461

The City Council approved the project on March 5, 2002.

The proposed Agreement between the City and K.E. Miller Engineering, P.A. provides for the design of bond financed improvements in Smithmoor 10th Addition. Per Administrative Regulation 7a, staff recommends the selection of K.E. Miller as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$19,400, and will be paid by special assessments.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - BRENTWOOD SOUTH ADDITION – EAST OF WEBB, NORTH OF PAWNEE. (District II)

Agenda Report No. 03-0462

The City Council approved the project on March 18, 2003.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Brentwood South Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$41,255, and will be paid by special assessments.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - FALCON FALLS ADDITION – SOUTH OF 53RD STREET NORTH, WEST OF HILLSIDE, SUPPLEMENTAL. (District I)

Agenda Report No. 03-0463.

On February 11, 2003, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for the design of improvements in Falcon Falls Addition.

Poe was asked to revise the plans by adjusting the depth of the sewer lines, which will reduce the construction cost substantially. A Supplemental Agreement has been prepared for the additional engineering services.

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Payment will be on a lump sum basis of \$3,990 and will be paid by special assessments.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN

2003 ARTERIAL STREET AND WATER MAIN REPLACEMENT DESIGN.

Agenda Report No. 03-0464

The 2003 Capital Improvement Program includes funding for arterial street and water line replacement design projects. The Staff Screening and Selection Committee has selected design engineers for each project.

The projects to be designed, the design engineer, and the design fees are:

- Douglas at Oliver Intersection - K.E. Miller \$42,000
- Meridian, 31st Street South to Pawnee - Transystems Corporation \$72,750
- North Oaklawn Water Main Replacement - AM Consulting \$23,400

The paving project budgets total \$165,000. The funding source is General Obligation Bonds. The water main project is funded by the Water Utility.

Motion --
-- carried

Mayans moved that the design projects and Agreements be approved; and the Ordinances be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the intersection of Douglas at Oliver (472-83755) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

ORDINANCE

An Ordinance declaring Meridian, from 31st Street South to Pawnee (472-83576) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

INTERSEC. SAFETY **2004-2005 FEDERAL AID INTERSECTION SAFETY GRANT. (Districts IV and V)**

Agenda Report No. 03-0465.

The City of Wichita has an ongoing partnership with the State and Federal Government to improve intersections meeting certain Federal guidelines. Federal funds are passed through the Kansas Department of Transportation (KDOT).

KDOT has advised that the following intersections are eligible for funding in fiscal years 2004/2005:

Maple at Ridge Construct double left turns on all approaches. Upgrade existing traffic signals.

Maize at Westport Construct left turn lanes on the north and south approaches.

Meridian at MacArthur Construct left turn lanes at the north and south approaches. Upgrade existing traffic signals.

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Construction and construction engineering costs are funded on a 90% Federal/10% City basis. The City is responsible for all design and right-of-way acquisition costs. The estimated construction cost for the three intersections is \$1,500,000. Each intersection project will be presented to the City Council for final approval before design and construction begins.

Motion --
-- carried

Mayans moved that the Federal aid intersection safety grant for Federal fiscal years 2004/2005 be accepted and the necessary signatures be authorized. Motion carried 7 to 0.

FABRIQUE DITCH

FABRIQUE DITCH AT MOUNT VERNON DRAINAGE – 1900 BLOCK SOUTH FABRIQUE AND WINDSOR. (District III)

Agenda Report No. 03-0466.

For years, water has run off Cessna property, under the Turnpike, across Cessna Park, and through the backyards of the homes located in the 1900 block of South Windsor and Fabrique. This has resulted in erosion of the backyards requiring constant maintenance by the homeowners and the City.

This project will reduce future erosion by relocating the drainage away from the backyards and will repair eroded areas for ease of future maintenance by the property owners.

Funding for the design and construction of this project, estimated to cost \$250,000, is included in the Capital Improvement Program for 2003 (Project No. SW863002). The funds needed to complete this project will come from Storm Water Utility revenues.

Motion -- carried

Mayans moved that the expenditure be approved and the project be authorized. Motion carried 7 to 0.

DRAINAGE PLAN

SPRING BRANCH MASTER DRAINAGE PLAN. (District II)

Agenda Report No. 03-0467.

Spring Branch is a tributary to Four Mile Creek located in southeast Wichita. The basin is generally bounded by Webb Road (west), Pawnee (south), Central (north), and 159th Street East (east). For many years, citizens living in the older neighborhoods in this basin have complained that flooding has increased as new development has been allowed to occur.

The purpose of this study is to examine the runoff characteristics of this basin to establish historical flooding limits and what can be expected to flood as development continues in the future. Flood mitigation recommendations will be made which could include structural measures (larger bridges, channels, etc.), floodplain management techniques, and/or home buyouts.

Funding for this study, estimated to cost \$125,000 is included in the Capital Improvement Program for 2003 (Project No. SW-863003). The funds need to complete this study will come from Storm Water Utility revenues.

Motion -- carried

Mayans moved that the expenditure be approved and the Study be authorized. Motion carried 7 to 0.

HUD

HUD CONSOLIDATED PLAN 2003/2004 ONE-YEAR ACTION PLAN.

Agenda Report No. 03-0468.

The U.S. Department of Housing and Urban Development (HUD) requires submittal of a Consolidated Plan/Combined Application for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) program. On April 1, 2003, the City Council approved the draft 2003/2004 One Year Action Plan and authorized the thirty-day public comment period.

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The City's 2003/2004 One-Year Action Plan lists the federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities to be funded by the City Council, the geographic location of the activities and homeless, and other special needs and activities to be undertaken during the fiscal year. The 2003/2004 One-Year Action Plan covers the period beginning July 1, 2003 and ending June 30, 2004.

The 2003-2004 One-Year Action Plan totals \$6,910,556. All of the Consolidated Plan funds have been previously allocated by the City Council and committed to revolving funds or approved projects.

No comments were received during the thirty-day public comment period. The City has met all federal requirements to submit the final 2003/2004 One Year Action Plan/Combined Application to HUD.

Motion --
-- carried

Mayans moved that the 2003/2004 One Year Action Plan as an amendment to the City's Consolidated Plan be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAN PURCHASE

TRANSIT VAN PURCHASE.

Agenda Report No.03-0469.

The City Council approved the purchase of eighteen (18) replacement paratransit vans on March 4, 2003. A pre-production meeting was held at El Dorado National, in Salina, Kansas, on March 27; and, van production will begin in early May, 2003.

During the pre-production meeting, a relatively new and simple technology was observed to reduce the strain on the back springs, thereby making the van ride smoother. Paratransit vans run very rough, and this rubber shear spring addition, called MOR/ryde, will not only preserve the entire van and wheelchair lifts longer, but also improve drivability and lessen the chance of passenger or driver back injuries. The MOR/ryde System is a low cost and low maintenance item.

Total cost for retrofitting 18 vans with MOR/ryde system is \$15,390. There are no City of Wichita funds involved in this change order. Federal Transit Administration funding will cover 80% of the project, and Kansas Department of Transportation will cover the other 20%. Both funding sources are secured, and within grant budgets.

Change orders in excess of \$10,000 require City Council approval.

Motion --
-- carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WILDLIFE GRANT

KANSAS STATE WILDLIFE GRANT.

Agenda Report No. 03-0471.

The City is seeking grant funds to restore a wetlands area in Northwest Wichita adjacent to the new Cowskin Creek Water Quality Reclamation Facility. With the decline of wetlands in the region, and the need for public fishing opportunities in Wichita, this project will benefit wildlife habitat as well as provide recreation and environmental education opportunities for the public. The project includes approximately 124 acres of natural prairie ecosystem including a 38-acre wetland historical natural features, such as vegetation and habitat state-of-the-art sewage treatment plant providing an environmentally supportive locale in an urban area

The City has prepared a grant application for submission to the Kansas Wildlife & Parks (KWP). The application was developed in consultation with City and KWP staff. If approved, the grant would restore a 38-acre wetland, reestablish 45.6 acres of native prairie park land, and revitalize a public fishing pond.

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The City is requesting \$ 561,829 in grant funds. The grant requires a 50% cash or in-kind match. The in-kind match is based on land acquisition and staff salaries. This will not increase the CIP or Operating Budget.

Motion --
-- carried

Mayans moved that the grant application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KDWP GRANT

KDWP COMMUNITY LAKE ASSISTANCE AGREEMENT – EDUCATIONAL SIGNAGE FOR THE CREEK AT THE WATER CENTER

Agenda Report No. 03-0426.

This project is to provide educational signage along the creek and at the “fish observatory” at the WATER Center. The signage will focus on subjects ranging from stream ecology and native fish to non-point source pollution and limnology. The project will have five signs at the “fish observatory” and five signs along the 800-foot long stream. The styling of the signage will be complimentary to the site and will dovetail with the style of the educational exhibits inside the WATER Center. The project will include the development of signage concepts and the creation of a print-ready file that will then be sent to a sign fabricator. Because the signs will be exposed to the outdoor elements, the sign fabricator must submit statements or warranties on their product against UV exposure, image protection from sunlight degradation, finish resistance to scratching and graffiti (or the ability to repair surface finish), fire resistance, weight bearing limits of the signs and their mounts, and life expectancy of the signs.

The City has prepared a grant agreement for submission to the Kansas Department of Wildlife and Parks (KDWP). The grant agreement was developed in consultation with City staff from Environmental Health and State staff from the Region Four office of KDWP. The grant will cover any artwork royalties, the creation of the print-ready files associated with the signage designs, the construction and installation of the signs at the WATER Center.

The City is requesting a total of \$20,000. The grant does not require a match.

Motion --
-- carried

Mayans moved that the Grant Agreement/award and associated Contracts/Change Orders be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LIFT STATION

SEWAGE TREATMENT LIFT STATION REHABILITATION. (District I)

Agenda Report No. 03-0472.

The Water & Sewer Department has a sewage treatment lift station located at N. Poplar and Hydraulic. Via Christi is constructing a laundry facility in the vicinity of the lift station that will increase flow and create stress on the station’s pumps and generator.

The pumps and generator were installed with the original construction in 1985. They are in good condition, but are inadequate in capacity to serve the new laundry. Replacement of motors and pump impellers is more cost-effective than wholesale pump replacement. The existing pumps are manufactured by Smith & Loveless with the Ray Lindsey Company being the sole source of supply.

A quote has been received for \$33,172. Via Christi has agreed to reimburse the City 75% (\$24,879) of the cost, with the balance of \$8,293 being paid by the City. The project will be funded by Reconstruction of Old Sanitary Sewers (CIP S-4) that has available funding of \$3,850,000 for 2003.

Purchasing Ordinance No. 35-856, Section 2(b), provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase would be made from the Ray Lindsey Company.

Motion --
-- carried

Mayans moved that the purchase from sole source vendor be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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CENTRAL/HILLSIDE AMENDMENT TO BONDING RESOLUTION – CENTRAL AND HILLSIDE REDEVELOPMENT. (Districts I and II)

Agenda Report No. 04-0473.

In early 2002, the City Council entered into various agreements for the redevelopment of the Central and Hillside Redevelopment Project Area. Under the agreements, the City agreed to purchase land for the development of a hotel, to pay one-fourth the cost of demolishing an existing 8-story office building, to build a box culvert to replace an existing open drainage ditch, and to provide funds for use by the developers in constructing a screening wall, landscaping and other site improvements. The developers agreed to demolish the existing office building and construct a hotel, a Walgreens drug store and a strip shopping center, and to undertake all needed site improvements.

Since that time, the developers have nearly completed all of the above-mentioned work and the City has completed the process of authorizing the use of tax increment financing (“TIF”) for the project and is prepared to proceed with the issuance of TIF bonds at its next general obligation bond sale in July. Final costs have been tabulated and are within the TIF budget approved by the City Council in the Central and Hillside Redevelopment Project Plan. To make final reimbursement payments to the developers it is necessary to increase the not-to-exceed amount in the projects bonding resolution.

The redevelopment of the Central and Hillside area was carried out by two developers: Starr Holdings LLC owned the project area in the southeast quadrant of the intersection. They cleared the site for redevelopment, sold a parcel to the City for the hotel site, and built the Walgreens drug store and the strip center on Hillside. Wesley Inn LLC leased the site from the City and built the hotel at Central and Rutan and the retail center next to it on Central. It is expected that the new property value generated by the developers will exceed the estimated \$5 million identified in the Redevelopment Project Plan.

The City’s contribution to the project is outlined below. These represent the final costs that will be financed with tax increment financing bonds or notes.

Land acquisition	\$750,395.00
Demolition cost (1/4 of total)	64,308.50
Box culvert design	76,800.00
Box culvert construction	435,000.00
Wesley Inn reimbursement	65,000.00
Wesley Inn landscaping	36,000.00
Screening wall/landscaping	43,891.50
Total Project Costs	\$1,471,395.00

The proposed amendment increases City’s funding authority to reflect the final costs of the Central and Hillside Redevelopment Project for which the City is contractually responsible. Under the current bonding resolution, the City has authority to spend \$1,435,000 on eligible project costs. Therefore, the requested amendment increases the authority by \$36,395. The amount budgeted for TIF funding in the redevelopment project plan is \$1,500,000.

Motion -- carried

Mayans moved that the amendment be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-194

A Resolution authorizing the issuance of Full Faith and Credit Tax Increment Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of acquiring of real property, demolition of existing structures, and design and construction an underground stormwater drainage system, a signalized pedestrian crosswalk, paving, fencing, landscaping and site improvements at the Central & Hillside Redevelopment Project Area, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

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PROPERTY ACQ. 5400 SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0374.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The seventh of the twelve tracts to be acquired is a portion of 5400 South Hydraulic, owned by Curtis Lynes. The property contains .36 acres and is presently improved with a single family residence.

The planned improvement of Hydraulic will require a 1,250 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$4000.00 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$ 4,500.00 is requested. This includes \$4,000.00 for the acquisition, and \$500.00 for closing costs and title insurance.

Motion --
-- carried

Mayans moved that the budget and purchase contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ. 5335 SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0475.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The sixth of the twelve tracts to be acquired is a portion of 5335 South Hydraulic, owned by Samuel and Cathryn Goodman. The property contains 1.58 acres and is presently improved with a single family residence.

The planned improvement of Hydraulic will require a 2,500 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$1,2500.00 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$1,650.00 is requested. This includes \$1,250.00 for the acquisition, and \$400.00 for closing costs and title insurance.

Motion --
-- carried

Mayans moved that the budget and purchase contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ. 4907 SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0476.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The fifth of the twelve tracts to be acquired is a portion of 4907 South Hydraulic, owned by Harmony South Baptist Church. The property contains 1.35 acres and is presently improved with a church and parking lot.

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The planned improvement of Hydraulic will require a 1,935 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$1,935.00 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$2,400 is requested. This includes \$1,935.00 for the acquisition, and \$465.00 for closing costs and title insurance.

Motion --
-- carried

Mayans moved that the budget and purchase contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

PROPERTY DISPOSITION - 1945 SOUTH SANTA FE. (District III)

Agenda Report No. 03-0477.

The property under consideration is located on the Northwest corner of Santa Fe and Mt. Vernon. The property is improved with at 4,029 square foot brick single-bay fire station. The building was constructed in 1953 as the location of Fire Station #6. More recently, it has been used as the Fire Training Office. The property has been vacant for several years and has since been declared surplus to the City's needs. The site contains approximately 16,755 square feet and is zoned Two-Family.

An offer of \$61,100 has been received for the property. The buyer proposes to use the property as a residence with an art studio in the bay area. The property was appraised for \$70,000 based upon the rezoning of the property to office or light commercial use. The appraisals did not allow for any costs to convert the property to such a use. The immediate area is residential in nature. The property has been extensively marketed with several previous offers received ranging from \$20, 000 to \$51,000.

The City will receive cash consideration for the sale of the property at closing. . The sale of this property to a private party will place additional value into the tax base and relieve the City of the cost and liability of maintenance.

Motion --
-- carried

Mayans moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SURPLUS PROP.

SURPLUS PROPERTY – 1053 NORTH ACADIA. (District V)

Agenda Report No. 03-0478.

The property under consideration is located at 1053 N. Acadia. The property was built in 1959. The City acquired this property as part of a damage settlement. The property had suffered water damage to the interior and the structure. The improvements consist of a one-story home with 1,053+- square feet and 3 bedrooms. The site is 12,846+- square feet and is zoned Residential. This property has been offered to departments within the City.

All City departments have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion --
-- carried

Mayans moved that the property be declared as surplus and designated as available for sale to the general public. Motion carried 7 to 0.

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CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 03-0479.

On April 7, 2003 the Board of Code Standards (BCSA) held a hearing on the following three (3) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address	Council District
a. 617 N. Grove	I
b. 932 N. Ohio	I
c. 2027 N. Grove	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Mayans moved that the Resolutions be adopted setting these matters on the agenda for a Hearing before the Governing Body on June 17, 2003 at 9:30 a.m. or as soon thereafter. Motion carried 7 to 0.

RESOLUTION NO. 03-190

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: Lots 53-55, Stites now Grove Avenue, Stites Brothers Second Addition, Wichita, Sedgwick County, Kansas, known as 617 North Grove, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-191

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: Lots 26-28, Moore's Second Addition Wichita, Sedgwick County, Kansas, known as 932 North Ohio, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-192

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: Lot 7, Block 6, Builders First Addition, Wichita, Sedgwick County, Kansas, known as 2027 North Grove, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ APRIL 15, 2003)

- a) Establishment of a Redevelopment District – Tax Increment Financing – for the Kellogg/Oliver Area. (District II)

ORDINANCE NO. 45-703

An Ordinance of the City of Wichita establishing the Kellogg and Oliver Redevelopment District, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) ZON2002-49– north Side of 13th Street North, east of Greenwich Road. (District II)

ORDINANCE NO. 45-705

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2002-49

- c) ZON2002-50– north Side of 13th Street North, east of Greenwich Road. (District II)

ORDINANCE NO. 45-706

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2002-50

- d) ZON2003-06 - south side of Douglas, east of Hydraulic. (District I)

ORDINANCE NO. 45-707

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-06

- e) ZON2003-00007 – southwest of Douglas/Ridge Road Intersection. (District V)

ORDINANCE NO. 45-708

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-07

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PLANNING AGENDA

Dale Miller

Acting Director of Planning stated that the Planning Agenda, except Items 48, 50, and 53 could be considered as consensus, except Items 48, 50 and 53, unless the Council desired to withhold other Items.

Motion --
-- carried

Mayans moved that the Planning Agenda be approved as consensus Items, except Items 48, 50, and 53. Motion carried 7 to 0.

SUB2002-111

SUB2002-111 – PLAT OF PEACOCK SECOND ADDITION – SOUTH SIDE OF CENTRAL, EAST OF WEST STREET. (District VI)

Agenda Report No. 03-0480.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (14-0)

This is a replat of the Peacock Addition. Lot 1 has been approved for a zone change (ZON 2002-44) from “SF-5” Single-Family Residential District and “B” Multi-Family Residential District to “NR” Neighborhood Retail District. Municipal facilities are available to serve the site.

A guarantee for the closure of a drive, required by access control being dedicated by this plat, was provided with a Drive Approach Closure Certificate. A No-Protest Agreement for the future paving of Donna Avenue has also been provided. A Restrictive Covenant for Future Cross Circulation has been provided to assure internal movement between Lot 1 and the adjacent property to the west. As required by the drainage plan for this site, a Cross-Lot Drainage Agreement was provided. Access for Lot 2 across Lot 1 has been provided with a Cross-Lot Access and Easement.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds

The Drive Approach Closure Certificate, No-Protest Agreement, Restrictive Covenant, Cross-Lot Drainage Agreement and Cross-Lot Access and Easement will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized. and the ZON2002-44 Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. ZON2002-44

SUB 2002-116

SUB 2002-116 -- PLAT OF OPPORTUNITY CENTER ADDITION, LOCATED NORTH OF 47TH STREET SOUTH, WEST OF THE K-15 HIGHWAY.

Agenda Report No. 03-0481.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site is located in the County within three miles of Wichita’s boundary and is zoned “LI”, Limited Industrial District.

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Petitions for sewer and water improvements (100%) and a Certificate of Petitions have been submitted. A Joint Access Easement has been submitted to establish a joint access opening. In addition, a Restrictive Covenant has been submitted to provide for the maintenance of said Easement. The applicant has submitted an Avigational Easement covering all of the subject plat and a Restrictive Covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Joint Access Easement, Avigational Easement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-215

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89780 (north of 47th Street South, west of K-15 Highway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-216

Resolution of findings of advisability and Resolution authorizing construction of Lateral 159, War Industries Sewer (north of 47th Street South, west of K-15 Highway) 468-83581, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

SUB 2002-136

SUB 2002-136 -- PLAT OF FRIENDS UNIVERSITY THIRD ADDITION, LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF MERIDIAN. (District IV)

Agenda Report No. 03-0482.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This is a replat of the University Place Addition, which includes the vacation of portions of St. Clair Avenue, Taft Avenue, Everett Avenue, and University Avenue. A zone change (ZON 2002-68) has been approved for Lot 1, from "B" Multi-Family Residential District to "U" University District.

Petitions, all 100%, have been submitted for street, sewer, water and drainage improvements. A Certificate of Petitions has been submitted. A Temporary Sewer Easement was submitted to cover an existing sanitary sewer line prior to its relocation. Ownership and maintenance of the reserves was provided for by a Restrictive Covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds

The Certificate of Petitions, Temporary Sewer Easement and Restrictive Covenant will be recorded with the Register of Deeds.

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Motion --

-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 03-217

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Sanitary Sewer No. 8, (north of Kellogg, east of Meridian) 468-83628, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-218

Resolution of findings of advisability and Resolution authorizing construction of Stormwater Sewer No. 588, (north of Kellogg, east of Meridian) 468-83629, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2002-68

SUB 2002-140

SUB 2002-140 -- PLAT OF CLEAR CREEK ADDITION, LOCATED ON THE WEST SIDE OF 143RD STREET EAST, SOUTH OF KELLOGG. (District II)

Agenda Report No. 03-0483.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat was recently annexed into the City of Wichita. Upon annexation, the zoning of the property was converted to SF-5, Single-Family Residential and allows for the lot sizes being platted.

Petitions (100%) for paving, sewer, water and drainage improvements have been submitted. A petition for left-turn lanes has also been submitted to the County. Both a City and County Certificate of Petitions have been submitted. A Restrictive Covenant has been submitted to provide for off-street parking for lots adjacent to narrow streets and requiring that (4) off-street spaces be provided for each such lot. A Restrictive Covenant has been submitted to provide for the maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-219

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89807 (west of 143rd Street East, south of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas,

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presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-220

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89808 (west of 143rd Street East, south of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-221

Resolution of findings of advisability and Resolution authorizing improving of Lateral 349, Four Mile Creek Sewer (west of 143rd Street East, south of Kellogg) 468-83611, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-222

Resolution of findings of advisability and Resolution authorizing improving of Lateral 350, Four Mile Creek Sewer (west of 143rd Street East, south of Kellogg) 468-83612, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-223

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 203 (west of 143rd Street East, south of Kellogg) 468-83613, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-224

Resolution of findings of advisability and Resolution authorizing improving Twinlake Drive, from the west line Creekside Lane to the north line Laguna; Twinlake Court, from the north line Twinlake Drive to and including cul-de-sac; Watson/Laguna, from the west line Creekside Lane to the west line 159th Street East; Morris, from the south line Lot 24, Block 9 to the north line Clear Creek Addition; and Laguna, from the south line lot 18, Block 1 to the south line Laguna, (west of 143rd Street East, south of Kellogg) 472-83743, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-225

Resolution of findings of advisability and Resolution authorizing improving Watson, from the west line of Clear Creek Addition to the west line of Creekside Lane; Clear Creek Circle, from the south line of Watson to and including cul-de-sac; Clear Creek St., from the north line Watson to the north line Clear Creek Addition; Spring Hollow Drive, from the north line Clear Creek Addition to the west line of Creekside Lane; Spring Hollow Drive/Morris, from the south line Clear Creek Addition to the south line of Lot 24, Block 9; Laguna, from the east line Spring Hollow drive to the south line of Lot 18, Block 1; Creekside Lane, from the south line Laguna to the south line of Clear Creek Addition; Laguna Circle, from the west line Spring Hollow Drive to and including cul-de-sac; Morris Circle, from the west line Morris to and including cul-de-sac; and Laguna Court, from the east line Laguna to and including cul-de-sac, (west of 143rd Street East, south of Kellogg) 472-83744, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas.

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Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB2002-141

SUB2002-141 – PLAT OF CESSNA ELEMENTARY SCHOOL ADDITION – SOUTH SIDE OF 47TH STREET SOUTH, EAST OF MERIDIAN. (District IV)

Agenda Report No. 03-0484.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This is an unplatted site located within the City and is zoned “SF-5” Single-Family Residential District. Municipal services are available to serve the site.

The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Mayans moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB 2002-142

SUB 2002-142 -- PLAT OF HILLTOP MANOR THIRD ADDITION, LOCATED NORTH OF HARRY, WEST OF OLIVER. (District III)

Agenda Report No. 03-0485.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This is a replat of parts of Hilltop Manor and Hilltop Manor Third Additions and is zoned “B” Multi-Family Residential District.

A Petition for paving improvements (100%) and a Certificate of Petition have been submitted. A Restrictive Covenant has been submitted to provide for two (2) off-street parking spaces per dwelling unit on each lot that abuts a narrow street. Also, a Temporary Sanitary Sewer Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition, Restrictive Covenant and Temporary Sewer Easement will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-226

Resolution of findings of advisability and Resolution authorizing improving Bayley, south to and including the Cul-de-sac, (north of Harry, west of Oliver) 472-83765, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ZON2000-00035

ZON2000-00035 – EXTENSION OF TIME TO COMPLETE PLATTING FOR A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL ON PROPERTY ON THE WEST SIDE OF TYLER, APPROXIMATELY 1/3 MILE SOUTH OF CENTRAL – 427 NORTH TYLER. (District V)

Agenda Report No. 03-0486.

Staff Recommendation: Approve one-year extension of time to complete platting.

On October 17, 2000, the City Council approved a zone change from “SF-5” Single-Family Residential and “NR” Neighborhood Retail on property generally located on the west side of Tyler, approximately 1/3 mile south of Central (427 N. Tyler). Approval of the zone change was subject to the condition of platting the property within one year. While in the process of preparing the plat, the applicant discovered a restrictive covenant on the property that prohibits commercial use of the property. Since this restrictive covenant was not revealed by the title search prior to offering to purchase the property, the applicant has been undertaking a lengthy legal process with the title insurance company and is attempting to remove the restrictive covenant from the property. These processes prevented completion of the plat prior to the deadline. Therefore, staff approved a six-month extension of time to complete platting to April 17, 2002. The applicant indicated that the legal processes regarding the restrictive covenant could not be completed prior to April 17, 2002; therefore, the applicant requested an additional one-year extension of time to complete platting, which was granted by the City Council on May 14, 2002. The applicant has now completed the legal processes regarding the restrictive covenant, but has had difficulty reaching a final purchase agreement for a portion of the subject property. The applicant has now acquired all the property but needs additional time to plat the property. The applicant has requested an additional one-year platting extension. MAPC Policy Statement No. 5 indicates that third extensions of time to complete platting require City Council approval.

Motion --
-- carried

Mayans moved that a one-year extension of time to complete platting to April 17, 2004; be approved.
Motion carried 7 to 0.

(Agenda Item #48)
ZON2002-00073

ZON2002-00073 – ZONE CHANGE FROM GENERAL COMMERCIAL AND SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – SOUTH OF 61ST STREET SOUTH, EAST OF SENECA. (District IV)

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0487.

MAPC Recommendation: Deny “GC” General Commercial, approve “OW” Office Warehouse subject to replatting within one year. (11-0)

D.A.B. Recommendation: Deny “GC” General Commercial, approve “OW” Office Warehouse subject to replatting within one year. (5-0-1)

Staff Recommendation: Deny

The applicant requests a zone change from “GC” General Commercial and “SF-5” Single-Family Residential to “GC” General Commercial on a 0.94 acre platted tract located south of 61st Street South and east of Seneca. The applicant has not determined a specific use for the subject property other than to state that the rezoning is requested to permit the construction of commercial buildings and that the “GC” General Commercial zoning district was specifically requested to allow for the potential to develop an auto-body shop.

The surrounding area is characterized primarily by suburban residential uses, with a few commercial uses along the Seneca corridor between 55th Street South and 63rd Street South. Most of the properties in the area are zoned “SF-5” Single-Family Residential and are developed with single family residences. Several residentially-developed and vacant properties along Seneca are zoned “GC” General Commercial and “LC” Limited Commercial, including the two vacant lots immediately north of the subject property, which are owned by the applicant. Vehicle repair businesses on property zoned

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“GC” General Commercial are located one-half block to the south on the west side of Seneca. The other two commercial business in this area are located one-quarter mile to north on the west side of Seneca. These businesses are a nursery and garden center on property zoned “GC” General Commercial and a manufacturing business on property zoned “LI” Limited Industrial.

On January 23, 2003, the Metropolitan Area Planning Commission (MAPC) considered the above-referenced zone change request. The MAPC voted to defer the request to the February 20, 2003 MAPC hearing to allow time for the applicant to work with staff on drafting a proposed Protective Overlay for the requested “GC” General Commercial zoning district.

On February 5, 2003, the District Advisory Board for District IV (DAB IV) considered the above-referenced zone change request and voted to approve “OW” Office Warehouse zoning for the property instead of the requested “GC” General Commercial zoning. At the DAB IV hearing, the applicant indicated that he is willing to accept a rezoning to “OW” Office Warehouse; therefore, staff did not work with the applicant to draft a Protective Overlay for the “GC” General Commercial zoning district.

On February 20, 2003, the MAPC voted (9-0) to approve “OW” Office Warehouse zoning subject to replatting the property within one year. There were no speakers in opposition at any of the three meetings on the request.

On March 18, 2003, the City Council voted (5-0) to refer the request to the DAB and MAPC for reconsideration in order to allow neighborhood residents an opportunity to learn more about the recommended “OW” Office Warehouse zoning district. Planning staff mailed neighborhood residents a letter regarding the new public hearings and invited the citizens to contact staff and attend the hearings learn more about the recommended “OW” Office Warehouse zoning district. No citizens contacted staff for additional information or attended the DAB or MAPC hearings. At their respective hearings on April 2, 2003 and April 10, 2003, the DAB and MAPC both voted unanimously not to change their recommendation to deny “GC” General Commercial and instead approve “OW” Office Warehouse subject to replatting within one year.

Written protest petitions representing over 31% of the land area within a 200-foot radius of the subject property were filed with the City Clerk; therefore, a three-fourths majority vote of the City Council (6 affirmative votes) is required to approve any zone change for the subject property.

Motion --

Gray moved that the City Council concur with the findings of the MAPC and deny the request for “GC” General Commercial and instead approve a zone change to “OW” Office Warehouse subject to the condition of replatting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2003-00008

ZON2003-00008 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – SOUTH OF MURDOCK, WEST OF MARKET. (District VI)

Agenda Report No. 03-0488.

MAPC Recommendation:	Approve (11-0)
DAB VI Recommendation:	Approve (9-0)
Staff Recommendation:	Approve

The applicant is seeking “GC” General Commercial zoning for Lots 65, 67 & 69, Munger’s Original Town Addition, on the Market Street Side, located northwest of the Market Street & East Pine Street Intersection. The lots are currently zoned “B” Multi-Family Residential and are vacant. These lots are part of a site that the applicant proposes to develop into the Sedgwick County Emergency Communications Center (ECC). Rezoning the lots will give the applicant the same zoning for the proposed site of the ECC.

The site is part of a block wide area with approximately two-thirds of it zoned “GC” and the southeastern, continuous one-third zoned “B”. There are two office buildings on the block with the most recent development being the Wichita Area Builders Association (WABA) building on the north

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end. The office faces Main Street. Parking for this office is to the south and southeast of it. The other office building is located in the southwest section of the block, faces Main Street, with parking in the front of the building and on its north side. The office has an attached garage that has access onto a 20-foot wide alley. The alley separates the east and west halves of the block, except for the northern one-third where the alley has been vacated. The applicant has filed a request to vacate the remainder of the alley; VAC2003-00005. Private parking lots for Eby Construction and Utility Contractors are located on the southeast and southwest end of the block and abut Pine Street. There are two undeveloped sites also located in the block.

The area around the site is developed predominately as office with commercial zoning with some "B" zoning. Single-story and two-story offices are north of the area. West of the area are offices, for Sedgwick County (with multi-story parking), the Red Cross, and Fire Station #1. South of the area is a vacant commercial building, Eby Construction's office and Utility Contractors' office. In this southern area there are several structures that have National Historical Site Status, including the Ark Valley Lodge and the Old Sedgwick County Courthouse. These buildings' National Historical Site Status puts a small southwestern section of Lot 65 within their historical buffer area. There are single-story offices and older apartments east of the site's area, across Market Street.

At the DAB VI meeting on April 7, 2003, DAB VI voted (9-0) to recommend approval of the requesting zoning change, based on Staff's recommendation. The applicant, Sedgwick County, agreed with Staff's recommendation. Staff and the applicant addressed the DAB's question in regards to the site and development in the general area to the DAB's satisfaction. No one spoke in opposition to the requesting zoning change at the DAB VI meeting. At the MAPC hearing on April 10, 2003, the MAPC voted (11-0) to recommend approval of the requesting zoning change. There have been no written protest received and no phone calls received protesting the requested zoning change.

Motion --
-- carried

Mayans moved that the City Council concur with the findings of the MAPC and approve the zone change and place the ordinance on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. ZON2003-08

(Agenda Item #50)
ZON2003-00009

ZON2003-00009 – ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – NORTH OF ORME, WEST OF GOVERNOUR. (District II)

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0489.

The applicant requests a zone change from "TF-3" Two-Family Residential to "LC" Limited Commercial on a 0.15 acre platted tract located north of Orme and west of Governour at 6938 E. Orme. The subject property is developed with a single-family residence. The applicant proposes to use the existing residential structure as an accessory structure for file storage associated with the Scholfield Honda business that the applicant operates on the property located immediately east of the subject property. The applicant also proposes to pave the back yard of the existing residential property and use the paved area as an accessory parking area for Scholfield Honda. Since the subject property will be used only for purposes that are accessory to the applicant's vehicle sales business, the proposed uses are permitted in the requested "LC" Limited Commercial zoning district. Were the property to be used for the display or storage of vehicles for sale or were the property to be used as a vehicle sales office, a Conditional Use would be required.

The surrounding area is characterized primarily by commercial uses along the Kellogg corridor. Residential uses are located primarily south of the subject property. The property to the north is zoned "LC" Limited Commercial and is developed with a bowling alley. The property to the east is zoned

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“LC” Limited Commercial with a Use Exception to permit a vehicle sales lot. The properties to the south are zoned “SF-5” Single-Family residential and are developed with single-family residences. The properties to the west are zoned “TF-3” Two-Family Residential and is developed with single-family residences.

Any new construction on the subject property will require full compliance with current screening, compatibility, and landscaping requirements. For the proposed new parking area, screening and buffer landscaping will be required from the residential property to the west. The screening requirement is typically satisfied by the construction of a 6-foot high solid screening fence, in this instance along west side of the proposed parking area. The buffer landscaping requirement would require one shade tree or the equivalent every 40 feet along the west side of the proposed parking area. Existing vegetation on the subject property that is left in place after the construction of the parking area can be used to satisfy the buffer landscaping requirement. If the existing building on the subject property is expanded by more than 30 percent or remodeled at a cost of 50 percent or more of its fair market value, then the expansion/remodel would need to comply with all current screening, compatibility, and landscaping requirements.

Since the Comprehensive Plan indicates that commercial traffic should not directly access local streets, planning staff recommends that access control from the subject property to Orme be required. The recommended access control would permit the existing residential driveway to remain as long as the existing residential structure is in place, but would not permit an access drive from Orme to any parking areas on the subject property. Also, since the proposed parking area on the subject property will be accessed from the adjacent commercial property located to the east, planning staff recommends that a cross-lot access easement be required.

At the MAPC hearing on April 10, 2003, the owner of the property immediately west of the subject property spoke against the request and cited concerns with drainage from the subject property flooding her property. The MAPC voted (7-4) to approve the request subject to a protective overlay that requires access dedications as well as drainage improvements on the subject property to prevent flooding of the property to the west. Several planning commissioners who voted against the request stated that they were in favor of the rezoning but voted against the motion because they felt the protective overlay addressing the neighbor’s drainage concerns is unnecessary.

The neighbor to the west filed a written protest petition. The neighbor’s property represents only 4.43% of the property within a 200-foot radius of the subject property, which is not sufficient to trigger the three-fourths vote requirement for the City Council.

Motion --

Schlapp moved that the City Council concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay District #124; approve first reading of the ordinance (publication of the ordinance withheld until the dedications are recorded with the Register of Deeds). Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. ZON2003-00009

ZON2003-00010

ZON2003-00010 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL – SOUTHWEST CORNER OF KELLOGG AND BROADWAY. (District I)

Agenda Report No. 03-0490.

MAPC Recommendation: Approve. (11-0)

Staff Recommendation: Approve.

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The applicant is requesting rezoning from "LC" Limited Commercial to "GC" General Commercial for the half-block located on the west side of Broadway between Kellogg Drive and Orme. The site is the location of a hotel, the La Quinta Inn, which is undergoing a major remodeling. As part of the project, the owner would like to add a wall sign taller than would be permitted in the "LC" district. Wall sign heights are unrestricted in the "GC" district. The size of wall signs is limited to 400 square feet or a maximum of 20 percent of the wall façade.

La Quinta Inn occupies the majority of the block bounded by Kellogg, Broadway, Orme and Market. The hotel faces Broadway. Parking areas are located on the southeast corner of Market and Kellogg (zoned "GC"), the northeast corner of Market and Orme (zoned "B" with an ancillary parking Conditional Use-CON2002-00041 approved August 22, 2002), and the southern portion of the property included in this application. The only part of the block not used by the hotel is two residential structures zoned "B" Multi-family Residential.

The surrounding block to the east and west is zoned "GC". The block to the south along Broadway is zoned "LC". A variety of commercial and retail uses are located in these blocks. The Kellogg fly-over adjoins the property to the north and separates the site from the Central Business District. Residential uses on property zoned "B" are predominant to the southwest of the site.

At the MAPC meeting held April 10, 2003, MAPC voted (11-0) to approve the zone change. There were no citizens to speak on the case.

Motion --
-- carried

Mayans moved that the zone change and first reading of the Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. ZON2003-00010

ZON2003-00011

ZON2003-00011 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE – NORTH OF IRVING AND EAST OF MERIDIAN. (District IV)

Agenda Report No. 03-0491.

MAPC Recommendation: Approve, subject to Protective Overlay #125 conditions. (11-0)

D.A.B. Recommendation: Approve, subject to Protective Overlay #125 conditions. (5-0-1)

Staff Recommendation: Approve, subject to Protective Overlay #125 conditions.

The applicants are requesting rezoning of a 0.3 acre tract that is located on the west side of Meridian about 100 feet north of Irving Street and that is zoned "MF-29" Multi-family Residential. The applicants are constructing a new residential-style building on the property and would like to use it as an office for a computer business. "NO" Neighborhood Office is the first zoning district that would permit this type of use.

The application area meets Unified Zoning Code setbacks for the "NO" district except the compatibility setback for the rear property line, which should have been 25 feet instead of 20 feet. Sufficient area is available to comply with City of Wichita Landscape Ordinance requirements; compliance with the Landscape Ordinance would be triggered by conversion to a commercial use accompanied by a 30 percent expansion of the building improvements or 50 percent of the value of building improvements. However, it is unlikely this threshold would be met because the applicant is seeking to convert a new structure to commercial use and does not intend to make any significant alterations to the structure. The use of a protective overlay could require the site meet the customary requirements for a commercial use.

The adjacent properties are zoned "MF-29" or "TF-3" Two-family Residential but occupied with single-family residences except for a triplex to the south and a duplex to the northeast. The intersection

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of McCormick and Meridian, located one-half block to the north, has retail/commercial uses on all four corners on property zoned "LC" Limited Commercial. These uses include a bar, bingo parlor, service station, auto repair and some smaller retail uses. A new fire station is located on the southeast corner of Irving and Meridian nearby. An apartment building on property zoned "GO" General Office is located a block to the southwest. The remaining properties in the vicinity along Meridian are residential.

At the District IV Advisory Board meeting held April 2, 2003, the board voted (5-0-1) to recommend approval subject to the protective overlay recommended by staff.

At the MAPC meeting held April 10, 2003, MAPC voted (11-0) to recommend approval subject to the protective overlay recommended by staff. There were no citizens present to speak on the case.

Motion --
-- carried

Mayans moved that the zone change be approved subject to the additional recommended provisions of the protective overlay; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. ZON2003-00011

(Agenda Report #53)
A03-12

A 03-12: REQUEST TO ANNEX LANDS LOCATED IMMEDIATELY SOUTH OF 37TH STREET NORTH AND WEST OF N. MAIZE ROAD. (District V)

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0492.

The City is acting upon a request to annex approximately 16 acres of land situated immediately south of 37th Street North, west of N. Maize Road. The annexation properties abut the City of Wichita directly to the north. These properties are also currently subject to a unilateral annexation initiative by the City of Maize. The City of Maize has scheduled a public hearing on the matter for June 10, 2003. The affected property owner does not wish to become a part of the City of Maize, and would rather be a part of the City of Wichita.

Land Use and Zoning: The annexation properties are presently in residential farmstead and agricultural use, and zoned "SF-20" Single Family Residential. Lands surrounding the proposed annexation site to the south are currently in agricultural use and zoned "SF-20" Single Family Residential. Lands to the east and west are in agricultural use and large-lot residential use, and also zoned "SF-20" Single Family Residential. Lands to the north are planned for future residential and commercial redevelopment, and are currently zoned "SF-5" Single Family Residential. The "SF-20" Single Family Residential zoning of the annexation parcels will convert to "SF-5" Single Family Residential upon annexation.

Public Services: Wichita water and sanitary sewer service is readily available to the annexation area.

Street System: The properties requested for annexation have access to Maize Road (four-lane paved surface road) that serves the area as the nearest north-south arterial road, and 37th Street North (two-lane unpaved road) that serves the area as the nearest east-west arterial road. The 2002-2011 City of Wichita Capital Improvement Program has not identified future urban paving improvements to 37th Street North, between 119th Street West and Maize Road.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a seven (7) to eight (8) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

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Parks: The nearest park is Sunset Park, located approximately three (3) miles southeast of the annexation site. A paved bike path is located two (2) miles to the south along 21st Street North.

School District: The annexation property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. Adopting the annexation ordinance on this day of its introduction would be in the best interests of the City of Wichita.

The current approximate appraised value of the proposed annexation properties is \$126,070 with a total assessed value of \$1,573. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$459 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Martz moved that the annexation be approved; a public emergency be declared; and the Ordinance be adopted on day of its introduction. Motion carried 7 to 0.

ORDINANCE NO.45-709

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A-03-12

AIRPORT AGENDA

AIRPORT

PASSENGER FACILITY CHARGE APPLICATION.

Agenda Report No. 03-0493.

In 1991 the U.S. Congress approved an exception to the Anti-Head Tax Act permitting airports to assess passenger facility charges up to \$3.00 per departing passenger to be used for public capital improvements on airports. The purpose of the PFC is to supplement other financing vehicles and to formally give local control of the funds as long as the expenditure is eligible for federal funding. Generally that means that the monies must be spent on approved non-revenue producing public facilities. The airlines serving U.S. airports collect the PFCs through the ticket sale process and relinquish the funds directly to the airports.

In order for any airport to collect PFC funds, it is necessary for an application to be made to the Federal Aviation Administration (FAA). The airlines serving the airport are permitted to comment on the projects to be funded as outlined in the application. The FAA may approve or disapprove the application based upon eligibility and justification. The authority to collect the PFC will expire in fall of 2003 so staff has prepared an application that will extend the collection authority until September, 2007. The projects include Pavement Program, Airfield Safety Improvements – Phase IV, Security Improvements, Terminal Building Modifications – Phase II and Master Plan Update. Most of the project elements for which PFC funding is sought are in the approved 2002 – 2011 CIP. The balance of the PFC projects will be programmed into the revised CIP. Projects will individually proceed through the normal Council authorization and procurement processes.

The WAA began collecting the \$3.00 PFC charge at Wichita Mid-Continent Airport in 1994 and through three different applications has collected \$14,372,000 of the total \$16,266,000 authorized. This

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application is estimated to yield another \$9,677,000. In this application, most projects combine the use of PFCs with 90% funding from federal grants while some projects are fully funded by PFC monies.

Motion --
-- carried

Mayans moved that the PFC application be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

AIRPORT

AIRPORT MARKETING BUDGET ADJUSTMENT.

Agenda Report No. 03-0494.

On January 14, 2003 the Authority approved a contract with Greteman Group to continue the "Ditch the Drive" promotional and marketing campaign through June of 2003.

The desire was to use \$160,000 of air service funds that had not been spent in 2002 in addition to \$140,000 in air service funds that were budgeted in 2003; however, the contract green sheet did not spell that out clearly.

The \$300,000 contract will be paid from Airport operating revenues. Billings from the vendor have been received for the majority of this amount.

The Airport budget is not certified by State Statutes.

Motion -- carried

Mayans moved that the budget increase be approved. Motion carried 7 to 0.

AIRPORT

SMARTE CARTE, INC. – SUPPLEMENTAL.

Agenda Report No. 03-0495.

Smarte Carte entered into an agreement with the Wichita Airport Authority on April 1, 1996 for the purpose of providing self-service luggage carts for use by passengers in the terminal building who elect to transport their own luggage.

Smarte Carte is desirous of renewing the agreement for a one-year period. Either party may cancel the agreement upon providing a 90-day written notice. Smarte Carte provides three units that accommodate ten carts each. These units are located in the baggage claim area and on each concourse. They offer an alternative to passengers who are in need of assistance, but elect not to use the skycap services.

The fee for use of a cart is \$2.00. The WAA receives 10% of the gross sales from rental of each cart. Twenty-five cents is returned to the user who replaces the cart in the cart unit. Smarte Carte is responsible for the once weekly collection/service visits, at no cost to the WAA. Revenue to the WAA in 2002 was \$1,196.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

GROUNDS MAINTENANCE SERVICES.

Agenda Report No. 03-0496.

On March 4, 2003, the City Council authorized staff to solicit proposals and increase the Airport Budget fund by \$42,000 in 2003 and annually thereafter for the purpose of providing grounds maintenance services for 116 acres in non-secure areas on Wichita Mid-Continent Airport. Sealed Requests for Proposals were accepted in the office of the City Purchasing Manager for the provision of these services. Fourteen contractors attended a pre-proposal conference on March 26, 2003, and six of these contractors submitted proposals for this work.

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A selection committee composed of three individuals reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, available equipment, and costs. Based on this criteria, Evergreen Lawn and Landscape was selected to provide these services.

The proposal submitted by Evergreen Lawn and Landscape is \$30,902. Funds for this service are included within the airport budget.

Motion --
-- carried

Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

DALLAS AIRMOTIVE – SUPPLEMENTAL.

Agenda Report No. 04-0497.

Dallas Airmotive (originally Airwork) has occupied the facility located at 2140 Airport Road on Wichita Mid-Continent Airport for the past five years. The current agreement is through December 31, 2002. The facility was constructed in 1953, and encompasses 5,503 sq.ft. Prior to occupying the building, the tenant invested \$157,255 in renovating the facility, and received a rent credit in the amount of \$2.86/sq.ft. over a 10-year period.

Dallas Airmotive is desirous of exercising their five-year option to extend the agreement through December 31, 2007.

Annual rent for this facility through 2002 was \$6,273. The facility has been appraised by Steve Martens of The Martens Companies, and the fair market rental value is appraised at \$6/sq.ft. Applying the rent credit of \$2.86/sq.ft. to the appraised value, yields a rental rate of \$3.14/sq.ft. for an annual revenue of \$17,279. Staff concurs with this recommendation.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

AIRLINE USE SUPPLEMENTAL.

Agenda Report No. 03-0498.

The Wichita Airport Authority has a uniform lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. The term of the agreement is for a three-year period commencing January 1, 2000 and expiring December 31, 2002.

It is the normal practice of the Wichita Airport Authority to enter into contractual agreements with the passenger carrying airlines serving Wichita Mid-Continent Airport in order to establish a business relationship and a basis for rentals, fees, and charges. It is now necessary to renew that agreement, effective January 1, 2003. It is recommended that the uniform agreement with the 14 passenger carrying airlines be renewed with some slight modifications which are: extend the agreement for two years through December 31, 2004; reduce the airline leaseholds to accommodate equipment installed by the Transportation Security Administration for security purposes; and transfer maintenance responsibilities for the gate hold rooms from the Airlines to Airport personnel. The airlines serving Wichita Mid-Continent Airport agree with these modifications.

The passenger carrying airlines serving Wichita Mid-Continent Airport have agreed to pay for approximately one-third of the maintenance, operation, and debt service associated with the airfield, and for approximately one-half of the cost for operation, maintenance and debt service for the terminal building. The ensuing rates and charges are determined pursuant to DOT Policy, Federal Code, U. S. Supreme Court rulings, and negotiations. The estimated annual revenue for the coming year is approximately \$3.5 Million.

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Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

MIDWEST CORPORATE AIR CARE.

Agenda Report No. 03-0499.

In September 2001, the Wichita Airport Authority entered into an agreement with Midwest Life Team to lease the facility located at 3612 North Webb Road on Jabara Airport. This facility was used to house Air Evac's paramedic and registered nursing teams, and to serve as the base location of an American Eurocopter BO 105 helicopter used in providing emergency air transport service in the Wichita and surrounding areas.

The parties involved are desirous of restructuring the organization which operates this function. The new agreement will be with Midwest Corporate Air Care, LLC, d/b/a Midwest Life Team. Provisions of the agreement are identical to those offered to the previous tenant.

The term proposed for this agreement is May 1, 2003 through December 31, 2003. The \$3.00/sq.ft. rental rate currently in place is continued throughout the term of this agreement. Annual rental to the WAA is \$11,682. The tenant is responsible for utilities and minor maintenance.

Motion --
-- carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ECONOMIC ASSISTANCE – LAID-OFF WORKERS

Motion -- carried

Brewer moved that an Item be taken up off the Agenda. Motion carried 7 to 0.

Council Member Brewer

Council Member Brewer said the issue of assistance for laid-off workers had not been resolved, and suggested a Committee be organized to address the issue.

Council Member Fearey

Council Member Fearey asked that former City Council Member Joe Pisciotte be asked to head the Committee and that Council Members make recommendations for individuals to serve.

Motion --
-- carried

Brewer moved that a Committee be formed, with Joe Pisciotte Chair, to study the issue and return with recommendations to the City Council. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Mayans moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, and legal advice; and personnel matters of non-elected personnel and that the City Council return no earlier than 11:45 a.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 11:02 a.m. and returned at 11:51 a.m.

Mayor Mayans

Mayor Mayans announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:51 a.m.

Patsy Ellis
Deputy City Clerk

12:30 p.m. Luncheon - RiverFest